

DOCKET NO.: BELL-0065/00235

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Oussama Zbib

Confirmation No.: 6861

Application No.: 09/749,994

Group Art Unit: 2642

Filing Date: December 28, 2000

Examiner: Karen L. Le

For: **SYSTEMS AND METHODS FOR LEAST COST ROUTING OF LONG
DISTANCE OR INTERNATIONAL TELEPHONE CALLS**

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EXPRESS MAIL LABEL NO: EV251283068US
DATE OF DEPOSIT: August 4, 2003

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated June 19, 2003.
- ☐ An Amendment Supplemental to the Paper filed
- ☐ Other:
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:
 - ☐ an Independent Inventor
 - ☐ a Small Business Concern

- ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.
- ☐ Loss of Entitlement Enclosed
- ☐ Substitute Pages of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
 - ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows:
- ☐ Other Material as follows:

FEE CALCULATION

☒ No Additional Fee is Due.


	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	SMALL ENTITY		NOT SMALL ENTITY	
				RATE	FEE	RATE	FEE
TOTAL CLAIMS	19	(20 MINIMUM) 20	0	\$9 EACH	\$	\$18 EACH	\$0
INDEP. CLAIMS	3	(3 MINIMUM) 3	0	\$42 EACH	\$	\$84 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$	\$280	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$205	\$	\$410	\$
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<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$		\$0

- ☐ A check in the amount of \$.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☐ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of _____ to and through _____ comprising an extension of the shortened statutory period of _____ month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due for filing this paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 CFR § 1.16.

☒ Any additional patent application processing fees under 37 CFR § 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the U.S. Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: August 4, 2003


Jonathan M. Waldman
Registration No. 40,861

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Telephone: (215) 568-3100
Facsimile: (215) 568-3439

DOCKET NO.: BELL-0065/00235
Application No.: 09/749,994
Office Action Dated: June 19, 2003

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8/9/03

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Oussama Zbib

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Sir:

REPLY PURSUANT TO 37 CFR § 1.116

In response to the Official Action dated **June 19, 2003**, reconsideration is respectfully
requested in view of the amendments and/or remarks as indicated below:

- ☐ **Amendments to the Specification** begin on page _____ of this paper.
- ☐ **Amendments to the Claims** are reflected in the listing of the claims which
begins on page _____ of this paper.
- ☐ **Amendments to the Drawings** begin on page _____ of this paper and include
an attached replacement sheet.
- ☒ **Remarks/Arguments** begin on page 2 of this paper.

REMARKS/ARGUMENTS

Claims 1-19 are pending in the present application. Claims 1-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Montgomery et al. (U.S. Patent No. 5,781, 620) in view of Kaplan et al. (U.S. 6,144,641) and/or Farris et al. (U.S. 6,574,216). It is respectfully submitted that claims 1-19 are patentable for the reasons set forth below.

Independent claims 1, 10, and 18 contain features that are neither disclosed nor suggested by the prior art, namely, as represented by claim 1:

determining ... a subscriber-generated routing table comprising a set of routing instructions comprising a plurality of carriers and associated destination prefixes.

The claimed routing table is subscriber-generated. The specification of the present application, as originally filed, provides an example of how a subscriber may generate such a routing table:

[A] subscriber *generates or otherwise constructs* a long distance / international call routing table 50 for each of a plurality of destinations. For example, the user can be supplied with data regarding long distance / international carriers plans from the internet (e.g., from a publicly available website), or from another source such as a telephone service provider or carrier, and can then create a routing table using web-based tools Alternatively, the subscriber could use a telephone keypad to input routing table carriers.

(application, page 6, lines 4-11; emphasis added). As is apparent from this passage, the subscriber actually generates or constructs a routing table using web tools, telephone keypads, or other such devices.

The Examiner acknowledges that Montgomery does not teach a subscriber-generated routing table (Office Action, page 2, section 3).

Moreover, it is respectfully submitted that Kaplan does not teach or suggest a subscriber-generated routing table. The Examiner states that Kaplan does teach a subscriber-generated routing table, and points to column 3, lines 10-20 and column 5, lines 24-27 of Kaplan as providing support. However, these passages of Kaplan are directed to a "third memory [that] stores a set of user priorities regarding the transmission of data files," with

“input means for allowing a user to *change* the user priorities in the third memory prior to transmitting a file.” (column 3, lines 10-20; emphasis added). Thus, Kaplan is directed to allowing a user to change priorities of predetermined system-provided parameters (such as those listed in Tables A and B of Kaplan), which is completely different from allowing a user to generate or otherwise create a table of parameters that the user (as opposed to the system) determines.

The primary definition of “generate” is “to bring into existence.” MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY, 485 (10th ed. 1998). Thus, in accordance with the invention as claimed in claim 1, when a subscriber generates a routing table, he brings into existence a list of carriers, destination prefixes, etc. (application, Figure 2). Conversely, Kaplan merely teaches changing predetermined or measurable parameters that already exist. Thus, Kaplan does not have the ability to add additional parameters, unlike a subscriber in the present application who can keep generating a routing list.

Similarly, it is respectfully submitted that Farris does not teach or suggest a subscriber-generated routing table. The Examiner states that Farris does teach a subscriber-generated routing table, and points to column 9, lines 45-65 of Farris as providing support. Farris is directed to “Packet Data Network Voice Call Quality Monitoring,” where a “minimum acceptable level of service may be predefined with threshold quality level stored in the user’s Call Processing Record (CPR) in the AIN Integrated Services Control Point (ISCP)” (Abstract). The Examiner states that “the caller’s CPR may store criteria for routing all calls dialed to specifically identified destination numbers or area codes through a data network such as Internet” (column 9, lines 50-52).

However, Farris teaches away from claim 1’s features of “determining ... a subscriber-generated routing table comprising a set of routing instructions comprising *a plurality of carriers*” because Farris teaches “monitoring the quality of service existing in a *data packet network*” (emphasis added). According to Farris, “if the monitored quality is maintained in excess of the stored threshold, communication of the call continues through the established course of transmission.” If, on the other hand, “the measured quality of service on the *data network* is not satisfactory, [only then is] the routing of the call ... changed to communication solely through *a voice telephone network connection* ... without terminating the call” (emphasis added). Farris therefore teaches away from a subscriber generating such

a routing table comprising a plurality of carriers, such as Sprint, PT-1 Comm, etc. (e.g., application, page 5 line 31 and page 6 line 1).

However, it is respectfully submitted that even if Farris and Montgomery are combined, this combination does not yield the claimed invention. As described above, the present invention is directed to least cost routing of long distance or international telephone calls and includes the features of "a subscriber generates or otherwise constructs a long distance / international call routing table ... for each of a plurality of destinations." (application, page 6 lines 4-5).

In contrast, combining Montgomery's "Method and System For Toll Carrier Selection" with Farris's "Packet Data Network Voice Call Quality Monitoring" yields an entirely different system. The Office Action states that to combine Montgomery and Farris, a person of ordinary skill in the art would have to "use [a] CPR of Farris as a subscriber-generated routing table to route the call to [a] called party base[d] on call processing records" (Office Action, page 3). Such a CPR stores predefined acceptable levels of service (Abstract). Moreover, based on the CPR stored levels, "if the monitored quality is maintained in excess of the stored threshold, communication ... continues ... through ... the data network." *Id.* Otherwise, "the routing of the call is changed to ... a voice telephone network." *Id.*

The net effect of combining Farris's CPR with Montgomery would yield a system that could switch between different kinds of carriers (a data network and a telephone network) during a voice call. Even if such switching could somehow be obtained between the same kinds of carriers (e.g., two telephone carriers), such switching would still occur upon diminished quality of a voice call during the call. Therefore, the combined invention is completely different from the one claimed in the present application, where (1) a carrier is selected based on least cost routing and not on the quality of the voice call, and (2) the carrier is selected based on a subscriber generated routing table that does not switch from one carrier to another during a voice call, unlike Farris's CPR.

Furthermore, if Montgomery could be combined with Farris, such a combination would be inoperable. First, switching between carriers based on the CPR would be difficult, if not impossible, to implement during a voice call, because it is difficult to imagine how a person of ordinary skill in the art would go about coordinating such switching among distinct

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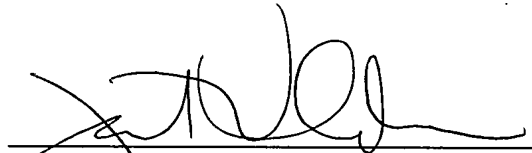
and competing companies such as Sprint, AT&T, etc. It is one thing to select a carrier based on a least cost routing table, its quite another to switch between carriers "while maintaining the call."

Second, switching based on voice call quality could often, and probably will nearly always, result in switching to a carrier that would not be the least cost carrier. Because the CPR predefined quality level is the basis for switching, once the level of a voice call fell below a certain threshold, the CPR would look to another carrier on its list. That carrier would be a carrier with an acceptable predefined quality level although it would not necessarily be the least cost carrier based on subscriber-generated data. Thus, the system resulting from the combination of Farris's CPR with Montgomery would be inoperable.

Claims 10 and 18 recite similar features as those set forth above with respect to claim 1. Based on the foregoing, claims 1, 10, and 18 and all claims dependent therefrom, including claims 2-9, 11-17, and 19 are patentably distinct over Montgomery et al. in view of Kaplan et al. and Farris et al., taken alone or in combination. Therefore, withdrawal of the rejections of claims 1-19 under 35 U.S.C. § 103(a) is respectfully requested.

In view of the foregoing remarks, Applicants submit that the above-identified application is in condition for allowance. Early notification to this effect is respectfully requested.

Date: August 4, 2003


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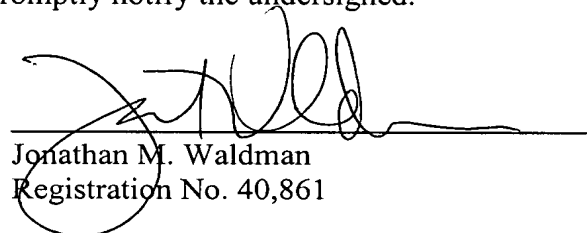
- 4 -

PATENT

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